



PATENT APPLICATION

Our File No.: 20010463.CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App	:	Scott T. Latterell, et al.	:	
Serial No.	:	10/657,378	:	Art Unit 3739
Filed	:	September 8, 2003	:	
For	:	Bipolar Electrosurgical Instrument for Cutting Desiccating and Sealing Tissue		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER RULE 1.56

Applicant(s) herein make available to the Patent and Trademark Office a copy of Form PTO-1449, and a copy of each cited reference is enclosed. This Information Disclosure Statement is being filed in accordance with the following provision(s):

- ☐ 37 CFR 1.97(b)(1) Within three months of the filing date of the national application. No fee is required.
- ☐ 37 CFR 1.97(b)(2) Within three months of the date of entry of the national stage as set forth in 1.491 in the international application. No fee is required.
- ☒ 37 CFR 1.97(b)(3) Before the mailing date of a first Office Action on the merits. No fee is required.
- ☐ 37 CFR 1.97(c) After the periods specified in 37 CFR 1.97(b), but before the mailing date of either: (1) a final action under 1.113 or (2) a notice of allowance under 1.311, whichever occurs first.
- ☐ The undersigned hereby certifies that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or
- ☐ The undersigned hereby certifies that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 1.56(c) more than three months prior to the filing of this statement; or
- ☐ Enclosed is a check in the amount of \$240.00 for the fee set forth in 37 CFR 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 08-1265.

- ☐ 37 CFR 1.97(d) After the mailing date of either (1) a final action under 1.113 or (2) a notice of allowance under 1.311, whichever occurs first, but before payment of the issue fee.
- ☐ The undersigned hereby certifies that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, or
- ☐ The undersigned hereby certifies that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 1.56(c) more than three months prior to the filing of this statement; and
- ☐ Applicant(s) hereby petition the Commissioner of Patents and Trademarks to consider this information disclosure statement. Enclosed is a check in the amount of \$130.00 for the petition fee set forth in 1.17(i)(1). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 08-1265.

The listed documents are brought to the Examiner's attention because they are known to the applicant and/or the applicant's attorney and may be considered by the Examiner to be material to his/her examination. This listing should not be construed as representation that a search has been made or that no better art exists. No inference should be made that the documents are in fact material merely because they are referenced herein. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references. Further, by this listing, the applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 CFR 1.104(a). It is requested that the documents listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent issuing from this application (M.P.E.P. 1302.12), and that the Examiner initial and return a copy of the form to evidence consideration of the documents.

Dated: December 12, 2003.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.


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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number 20010463.CIP	Application Number 10/657,378
	Applicant Scott T. Latterell, et al.	
	Filing Date Sept. 8, 2003	Group Art Unit 3739

U.S. PATENT DOCUMENTS

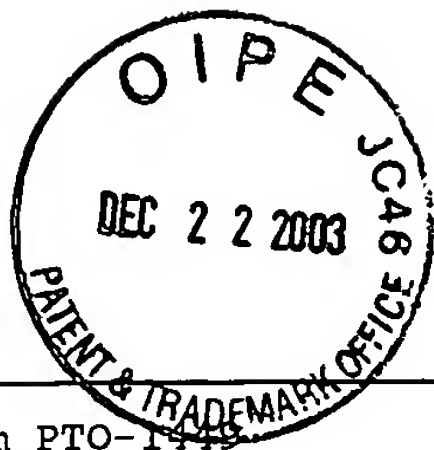
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,209,017	06/24/80	Shaw			
	4,427,006	01/24/84	Nottke			
	4,655,216	04/07/87	Tischer			
	4,492,231	01/08/85	Auth			
	5,190,541	03/02/93	Abele et al.			
	5,269,780	12/14/93	Roos			
	5,324,289	06/28/94	Eggers			
	5,443,463	08/22/95	Stern et al.			
	5,445,638	08/29/95	Rydell et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	



Sheet 2 of 2

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,458,598	10/17/95	Feinberg et al.			
	5,573,535	11/12/96	Viklund			
	5,599,350	02/04/97	Schulze et al.			
	5,573,424	11/12/96	Poppe			
	5,735,849	04/07/98	Baden et al.			
	5,961,551	10/05/99	Chasak et al.			
	6,187,003	02/13/01	Buyse et al.			
	6,174,309	01/16/01	Wrublewski et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

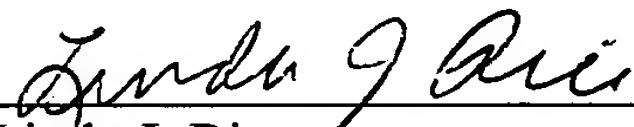
EXAMINER	DATE CONSIDERED
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Information Disclosure Statement Under Rule 1.56 (2pp.), Form PTO-1449 and a copy of each cited reference to be filed in connection with application Serial No. 10/657,378 of inventor(s), Scott T. Latterell, et al., filed September 8, 2003, for "Bipolar Electrosurgical Instrument for Cutting Desiccating and Sealing Tissue" are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December ¹⁵~~12~~, 2003.



Linda J. Rice
On Behalf of Thomas J. Nikolai